

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James G. METZ *et al.*

Group Art Unit: 1638

Appln. No.: 08/657,749

Examiner: Russell KALLIS

Filed: May 30, 1996

Atty. Docket: 16518.025

Title: Nucleic Acid Sequences Encoding a  
Plant Cytoplasmic Protein Involved in  
Fatty Acyl-CoA Metabolism

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Attn: Mail Stop AF*

Dear Sir:

Calgene LLC (hereinafter the "Owner"), the assignee and owner of the entire right, title, and interest in the instant application by virtue of the assignment recorded on September 26, 2002 at Reel 013337, Frame 0853, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the last day of the full statutory term of any patent granted on commonly owned U.S. Patent Application Number 08/265,047, filed June 23, 1994, now issued U.S. Patent No. 5,679,881 (hereinafter the "Prior Patent"). The Owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that said patent and the Prior Patent are commonly owned and agrees that this Terminal Disclaimer shall run with any patent granted on the instant application and shall be binding on the grantee, its successors or assigns.

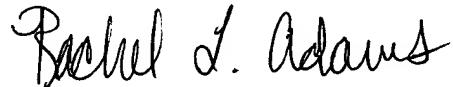
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The owner does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of the Prior Patent, as shortened by any terminal disclaimer, in the event that the Prior Patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise prematurely terminated except as provided by a terminal disclaimer as recited above.

The fee set forth in 37 C.F.R. § 1.20(d) is believed to be \$110.00 for filing the instant terminal disclaimer. The Commissioner is hereby requested to charge the \$110.00 fee for the statutory disclaimer to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16518.025. A duplicate copy of this Terminal Disclaimer is enclosed.

Respectfully submitted,



Rachel L. Adams (Reg. Attorney No. 54,660)  
David R. Marsh (Reg. Attorney No. 41,408)  
Holly Logue Prutz (Reg. Attorney No. 47,755)

Date: December 16, 2003

ARNOLD & PORTER  
555 Twelfth Street, N.W.  
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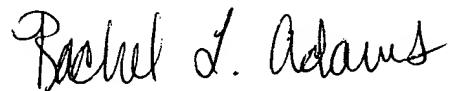
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